

MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAUL SALADINO, MD,

Plaintiff,

-against-

FRANK TUFANO; and  
FRANKIE'S FREE-RANGE MEAT, LLC,

Defendants.  
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DATE FILED: 6/30/2021

Case No. 7:20-cv-09346-NSR

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Frank Tufano, dated June 15, 2021, Memorandum of Law, dated June 18, 2021, and all pleadings and proceedings had herein, Defendants Frank Tufano and Frankie's Free-Range Meat, LLC will move this court before the Honorable Nelson S. Román, U.S.D.J., at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, under Fed. R. Civ. P. 55(c) and 60(b), for an order (1) to vacate the April 1, 2021 and April 7, 2021 defaults entered against Defendants (Dkt. Nos. 24, 27), (2) grant Defendants additional time to Answer the Amended Complaint, and for such other further relief that the court deems just and proper.

Dated: June 18, 2021

Respectfully Submitted,

**DAVIS & BYRNES**

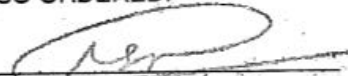
*Attorneys for Defendants*

By: /s/Jeffrey Davis  
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The motion is denied, without prejudice to renew, for failure to abide by this Court's Rules of Practice. The Court interprets Defendants' motion as a request for a pre-motion conference. The Court waives the pre-motion conference requirement and grants Defendants leave to file their motion pursuant to following briefing schedule: Defendants shall serve (**not file**) their moving papers on or before July 9, 2021; Plaintiff shall serve (**not file**) his opposition papers on or before August 9, 2021; Defendants shall serve their reply papers on or before August 24, 2021. **The parties shall file all motion documents on the reply date, August 24, 2021 and mail two courtesy copies of their motion documents to Chambers as they are served.** The Clerk of the Court is kindly directed to terminate the motion at ECF No. 28, mail a copy of this endorsement to *pro se* Defendant Frank Tufano, and show service.

SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

Dated: 6/30/2021  
White Plains, NY